

Public Law 224

CHAPTER 546

AN ACT

August 4, 1955
[H. R. 3786]

To incorporate the Army and Navy Legion of Valor of the United States of America.

Army and Navy
Legion of Valor of
the U.S.A. Incor-
poration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: James G. Walsh, Distinguished Service Cross, 50 Patten Street, Jamaica Plain, Massachusetts; Robert G. Woodside, Distinguished Service Cross, 3858 First Avenue, South, Saint Petersburg, Florida; Deming Bronson, Congressional Medal of Honor, route 2, box 322, Roseburg, Oregon; George E. Parker, Junior, Distinguished Service Cross, Lutherville, Maryland; Leo L. Zingale, Distinguished Service Cross, 3612 East One Hundred and Seventeenth Street, Cleveland, Ohio; John Davis, Congressional Medal of Honor, 800 North Shore Drive, Saint Petersburg, Florida; Glen O. McEwen, Distinguished Service Cross, box 737, Spokane 3, Washington; Ben. Prager, Distinguished Service Cross, 316 Court House, Pittsburgh, Pennsylvania; Earle D. Norton, Distinguished Service Cross, 29 Broadway, New York, New York; Ray Eastman, Navy Cross, 396 LaSalle Avenue, Buffalo 15, New York; Ben Neff, Distinguished Service Cross, 208 Evanston Building, Minneapolis, Minnesota; Warren L. Granger, Navy Cross, 703 Sixteenth Street, Alexandria, Virginia; William Oliver Smith, Distinguished Service Cross, 917 Holt Drive, Raleigh, North Carolina; Robert M. Gaynor, Distinguished Service Cross, 621 South Taylor Street, Arlington, Virginia; Leon M. Hanna, Distinguished Service Cross, box 217, McHenry, Illinois; Bruno O. Forsterer, Congressional Medal of Honor, Walker Street, Oakland, California; Elmer R. Hangartner, Distinguished Service Cross, 2103 Lynn Avenue, Altoona, Wisconsin; Thomas Eadie, Congressional Medal of Honor, 120 Gibbs Avenue, Newport, Rhode Island; John D. Hawk, Congressional Medal of Honor, 3243 Solie, Bremerton, Washington; Leon A. Dombrowski, Distinguished Service Cross, 137 Highland Drive, Williamsville, New York; William C. Hardie, Distinguished Service Cross, post-office box 1396, Billings, Montana; E. Lee Henderson, Navy Cross, 10948 Fruitland Drive, North Hollywood, California; Othel J. Gee, Distinguished Service Cross, 416 Medical Arts Building, Oklahoma City, Oklahoma; Leslie Hardy, Distinguished Service Cross, 1021 East Sierra Vista, Phoenix, Arizona; A. Allen Johnson, Distinguished Service Cross, 953 Dixwell Avenue, New Haven, Connecticut; Dennis C. Turner, Distinguished Service Cross, 1008 Missouri Avenue, Houston, Texas; Columbus Whipple, Distinguished Service Cross, 2704 Brinker Avenue, Ogden, Utah; John D. Licklider, Distinguished Service Cross, 229 Woodrow Avenue, Martinsburg, West Virginia; Murry Wolffe, Navy Cross, 240 Gregory Avenue, Passaic, New Jersey; Willard H. Marshall, Distinguished Service Cross, 31 West Whitney Street, Sheridan, Wyoming; Peter Paul Martinek, Navy Cross, 1731 South Brand Boulevard, Glendale, California; Lucian Adams, Congressional Medal of Honor, 213 Santa Clara Street, San Antonio, Texas; and Edgar H. Bain, post-office box 2, Goldsboro, North Carolina, and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Army and Navy Legion of Valor of the United States of America, Incorporated (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this Act, and the doing of such other acts as may be necessary for such purpose. Five of such persons shall constitute a quorum for the purposes enumerated in this section.

PRINCIPLES AND OBJECTS OF CORPORATION

SEC. 3. (a) The principles underlying the corporation are patriotic allegiance to the United States of America, fidelity to its Constitution and laws, the security of civil liberty, and the permanence of free institutions.

(b) The objects of the corporation are to cherish the memories of the valiant deeds in arms for which the Congressional Medal of Honor, the Distinguished Service Cross, and the Navy Cross are the insignia; to promote true fellowship among its members; to advance the best interests of members of the Armed Forces of the United States of America; to extend all possible relief to needy members of the corporation, their widows, and children; and to stimulate patriotism in the minds of our youth by encouraging the study of the patriotic, military, and naval history of our Nation.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to have succession by its corporate name;
- (2) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (3) to adopt, use, and alter a corporate seal;
- (4) to charge and collect membership dues;
- (5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;
- (8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property; and
- (9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Pittsburgh, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corpora-

tion shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) All persons of good moral character who are, have been, or may become members of the Armed Forces of the United States or any foreign country of whatever rank, who have received or who may hereafter receive a Congressional Medal of Honor, a Distinguished Service Cross, or a Navy Cross awarded for acts of extraordinary heroism in connection with military or naval operations against an armed enemy, or for heroism of a specially distinguished character, shall be eligible for active membership in the corporation.

(b) The corporation shall have the power, moreover, to extend eligibility for membership, either active or associate, to parents and lineal descendants of the persons described in subsection (a) of this section under such conditions and upon such terms as the corporation may specify in its constitution and bylaws.

(c) Each member of the corporation, other than associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(d) Notwithstanding the limitations set out in subsections (a) and (b) of this section, any member in good standing of the corporate body referred to in section 16 of this Act shall be admitted on request to comparable membership in the corporation created by this Act.

BOARD OF DIRECTORS: COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial board of directors of the corporation shall consist of the present officers of the Army and Navy Legion of Valor, referred to in section 16 of this Act, or such of them as may then be living and are qualified officers of that corporation, to wit: William Oliver Smith, of Raleigh, North Carolina; Peter Paul Martinek, of Glendale, California; Lucian Adams, of San Antonio, Texas; Edgar H. Bain, of Goldsboro, North Carolina; and Ben Prager, of Pittsburgh, Pennsylvania, who are respectively, the commander, the senior vice commander, the junior vice commander, the chaplain, and the adjutant and quartermaster.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than ten), shall be selected in such manner (including the filling of vacancies), and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

OFFICER; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a commander, a senior vice commander, a junior vice commander, a chaplain, an adjutant and quartermaster, a judge advocate, an inspector, a surgeon, a historian, and such aides-de-camp as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 15 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions shall be audited annually, at the end of the fiscal year established by the corporation, by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The

audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of such fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the Army and Navy Legion of Valor of the United States of America, Incorporated, a body corporate organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 4, 1955.

Public Law 225

CHAPTER 547

AN ACT

August 4, 1955
[S. 2176]

To repeal the requirement that public utilities engaged in the manufacture and sale of electricity in the District of Columbia must submit annual reports to Congress.

D. C., electric
light and power
companies.

34 Stat. 1134.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph under the center heading "ELECTRICAL DEPARTMENT" of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes", approved March 2, 1907 (D. C. Code, sec. 43-1109), is amended by striking out "": *Provided*, That any company," and all that follows down through "December thirty-first, nineteen hundred and six".

Approved August 4, 1955.